

Applic. No. 10/014,246  
Amdt. dated July 15, 2004  
Reply to Office action of April 15, 2004

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-5, 8-17, 20-23 and 25 remain in the application.

It is respectfully noted that the Examiner has incorrectly stated the pending claims on the Office action summary sheet (PTOL 326). The Examiner has omitted pending claim 17 from the summary sheet. Furthermore, the Examiner did not address claim 17 in his rejections over the prior art.

In item 2 on page 2 of the above-identified Office action, claims 1 and 25 have been objected to because of the following informalities.

More specifically, the Examiner has stated that --a-- or --the-- should be inserted before "vicinity". It is respectfully noted that the term "vicinity" is not found in claims 1 or 25. Therefore, the claims have not been amended to overcome the objection by the Examiner.

Should the Examiner find any further objectionable items, counsel would appreciate a telephone call during which the matter may be resolved.

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In item 4 on page 2 of the Office action, claims 1-5, 8-16, 20-23 and 25 have been rejected as being obvious over Ettelbruck (WO 99/10175) in view of Iwasawa (JP 63-37626) under 35 U.S.C. § 103.

It is noted that the Ettelbruck reference claims the priority of German application (DE 197 36 698 A1), which has a publication date of February 25, 1999 (a copy of the first page of the document is enclosed for the Examiner's convenience). Enclosed herewith are pages 1/4 and 2/4 and two additional pages of description (pages 3/4 and 4/4 have not been submitted because they contain confidential company information that is not relevant to the present invention) of a German language Invention Disclosure and a certified English language translation of the pertinent portions thereof, namely pages 1/4 and the two additional pages of description. An unsigned declaration under 37 CFR 1.131 indicating that the present invention was reduced to practice at least as early as February 24, 1999, is also enclosed herewith. A signed copy of the declaration will be forwarded to the Patent Office upon receipt from the inventor. Based on the above-noted information, the Ettelbruck reference is not available as Prior art. Therefore, the rejection over Iwasawa in view of Ettelbruck is moot.

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In item 5 on page 3 of the Office action, claims 1-5, 8-16, 20-23 and 25 have been rejected as being obvious over Iwasawa (JP 63-37626) in view Ettelbruck (WO 99/10175) under 35 U.S.C. § 103. As noted above, the Ettelbruck reference is not available as prior art. Therefore, the rejection over Iwasawa in view Ettelbruck is moot.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 or 25. Claims 1 and 25 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-5, 8-17, 20-23 and 25 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

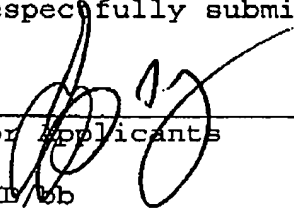
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Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,

  
For Applicants

AKB/bb

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July 15, 2004

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